

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DANNY RICKY HEADLEY)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:06-cv-1083-MEF
)	
CHILTON COUNTY, ALABAMA,)	
et al.)	
)	
Defendants.)	

MOTION TO DISMISS OF NEELY STRENGTH

Defendant Chilton County Sheriff Neely Strength moves the Court to dismiss claims alleged against him in the complaint in this case on the following grounds:

1. The complaint fails to state a claim against said defendant upon which relief may be granted.
2. Said defendant has absolute immunity from the plaintiff's state law tort claims him under Article I, § 14 of the Alabama Constitution of 1901.
3. Plaintiff's official capacity claims alleged against said defendant under 42 U.S.C. § 1983 are barred by the Eleventh Amendment to the United States Constitution.
4. Plaintiff's official capacity claims alleged against said defendant under 42 U.S.C. § 1983 do not constitute a claim against a "person" within the meaning of

§ 1983.

5. Defendant Strength is entitled to qualified immunity from plaintiff's claims alleged against him in this action under 42 U.S.C. § 1983.

6. The claims alleged against defendant Strength are barred by the expiration of the applicable two-year statute of limitations.

s/ George W. Royer, Jr.

George W. Royer, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing upon the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Roianne Houlton Conner
250 Winton Blount Loop
Montgomery, AL 36117

on this 22nd day of December, 2006.

s/ George W. Royer, Jr.

George W. Royer, Jr.